

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Rafael Danam,

4 Plaintiff

5 v.

6 Elaine Kelley, et al.,

7 Defendants

Case No. 2:19-cv-01606-JAD-DJA

**Order Adopting Report and  
Recommendation and Dismissing Case**

[ECF No. 34]

8 Rafael Danam sues Elaine Kelley, the principal of his former employer, the Somerset  
9 Academy Aliante Charter School, asserting constitutional and employment-related claims.  
10 Because Danam was granted *in forma pauperis* status, the court screened his complaint; upon  
11 doing so, it dismissed that complaint with a detailed explanation of its deficiencies and gave  
12 Danam leave to amend—twice.<sup>1</sup> The magistrate judge has screened Danam’s second-amended  
13 complaint<sup>2</sup> and concluded that, despite the court’s guidance, Danam remains unable to state a  
14 claim for relief under federal law.<sup>3</sup> Deeming any further attempt at amendment futile, the  
15 magistrate judge recommends that I dismiss this action, leaving open Danam’s opportunity to  
16 bring his state-law claims in state court.<sup>4</sup> The deadline for objections to that recommendation  
17 passed without objection or any request to extend the deadline to file one. “[N]o review is  
18 required of a magistrate judge’s report and recommendation unless objections are filed.”<sup>5</sup>

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20 <sup>1</sup> ECF Nos. 5, 23.

21 <sup>2</sup> ECF No. 24.

22 <sup>3</sup> ECF No. 34.

23 <sup>4</sup> *Id.* at 4.

<sup>5</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation  
2 [ECF No. 34] is **ADOPTED** in full.

3 IT IS FURTHER ORDERED THAT **this case is DISMISSED**. The Clerk of Court is  
4 directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THIS CASE. If Danam wishes  
5 to pursue his state-law claims, he must file them in state court.

6 Dated: April 14, 2020

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8 U.S. District Judge Jennifer A. Dorsey  
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